

**MEDICAL EXAMINING BOARD
MINUTES
AUGUST 16, 2006**

PRESENT: Drs. Lief Erickson; Sujatha Kailas; Jack Lockhart; Daniel Miota; Suresh Misra; Ian Munro; Gene Musser; Sandra Osborn; Bhupinder Saini; and Carolyn Bronston, and Virginia Heinemann

STAFF: Tom Ryan, Bureau Director; Colleen Baird, Legal Counsel; PJ Monson, Bureau Assistant; and other DRL staff

GUESTS: Mark Grapentine, Wisconsin Medical Society

CALL TO ORDER

Bhupinder Saini called the meeting to order at 8:08 a.m. There was a quorum of 9 members present.

APPROVAL OF AGENDA

Additions to Agenda:

- Item “E” – addition of Talking Points to the Outreach Committee discussion
- After “H” – Proposed stipulation and final decision and order in the matter of Prakash D. Shah, MD
- After “H” – Proposed stipulation and final decision and order in the matter of Perry G. Coalmon, MD
- After “H” – Proposed stipulation and final decision and order in the matter of Rosemary F. Rodgers, MD
- After “H” – Proposed stipulation and final decision and order for remedial education in the matter of Richard H. Gubitz, DO
- Item “K” – Documents from Kurzman, Grant law offices regarding Susan Kies, MD
- Item “K” – Police reports regarding Susan Kies, MD
- Item “L” – Verification of Licensure from the State of Michigan for James J. Yurcek, MD
- After “P” – DOE Case status reports

(Daniel Miota joined the meeting)

MOTION: Sujatha Kailas moved, seconded by Virginia Heinemann, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 19, 2006

Amendments to minutes

- Convene to Closed Session should read: Wis. Stat. § 19.85

MOTION: Jack Lockhart moved, seconded by Leif Erickson, to approve the July 19, 2006 minutes as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

(Suresh K. Misra joined the meeting at 8:27 a.m.)

PORFIRIO ORTA-ROSARIO, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of Porfirio Orta-Rosario, MD.

PRAKASH D. SHAH, MD

Attorney Michael J. Berndt presented the Proposed Stipulation, Final Decision and Order in the matter of Prakash D. Shah, MD.

ROSEMARY F. RODGERS, MD

Attorney Gil Lubcke presented the Proposed Stipulation, Final Decision and Order in the matter of Rosemary F. Rodgers, MD.

PERRY G. COALMON, MD

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matter of Perry G. Coalmon, MD.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS FOR REMEDIAL EDUCATION

RICHARD H. GUBITZ, DO

Attorney Sandra L. Nowack presented the Proposed Stipulation, Final Decision and Order in the matter of Richard H. Gubitzi, DO.

ADMINISTRATIVE REPORT

Appointment of alternate to Evaluation Committee:

Bhupinder Saini appointed Ian Munro as an alternate to the Evaluation Committee.

SCREENING PANEL REPORT

Virginia Heinemann stated 34 screening cases were reviewed; 10 cases were opened, 24 were not opened.

SUMMARY REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Noted.

REPORT ON CRIMINAL BACKGROUND CHECKS

Jan Bobholz, Credentialing Supervisor, joined the meeting to advise the Board on the current background check process for Medical applicants as well as the process required to complete full criminal background checks on all medical applicants including finger print checks.

MOTION: Leif Erickson moved, seconded by Sandra Osborn, to direct Colleen Baird to investigate the steps necessary to complete federal background checks for new applicants. Motion carried unanimously.

SEVEN YEAR RULE CHANGE PROPOSAL WIS. ADMIN. CODE § MED 1.06

Colleen Baird updated the Board on the status of the seven year rule change.

FINANCIAL INTERESTS OF PHYSICIANS IN LABORATORIES

Bhupinder Saini addressed the Board regarding the financial interests of physicians in laboratories and Board discussion ensued. Tom Ryan will contact DOE regarding excessive charges complaints and how they are currently being handled.

Outreach Committee report and talking points discussion

Tom Ryan, Larry Martin and Gene Musser attended a meeting with Representative Pridemore to discuss Mr. Pridemores' interest in reducing the professional membership of the Medical Examining Board (MEB) and increasing the public members on the Board. Dr. Musser reported on the meeting.

Tom Ryan suggested the Board outline talking points for members discussing the MEB outreach with the legislature and outside organizations. Larry Martin, Department Executive Assistant and Mark Grapentine, Wisconsin Medical Society, joined the discussion to assist in creating a list of talking points for the committee members.

Sujatha Kailas visit with Senator Roessler

Sujatha Kailas noted a meeting with Senator Roessler is scheduled for September.

Sujatha Kailas appearance before Wisconsin Hospital Association (WHA)

Sujatha Kailas noted her upcoming visit with the WHA.

**ORAL EXAMINATION SUGGESTIONS – BARBARA SHOWERS, DIRECTOR
OFFICE OF EDUCATION AND EXAMINATIONS**

Barbara Showers, Director of the Office of Education and Examinations, appeared before the Board to offer suggestions for the examination. Board discussion ensued. Barbara Showers will return to the Board with an outline of the proposed examination

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Sujatha Kailas moved, seconded by Sandra Osborn, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests and requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and considering Division of Enforcement case status reports. Motion carried by roll call vote: Carolyn Bronston-yes; Lief Erickson-yes; Virginia Heinemann-yes; Sujatha Kailas-yes; Jack Lockhart-yes; Daniel Miota-yes; Suresh Misra-yes; Ian Munro-yes; Gene Musser-yes; Sandra Osborn-yes; and Bhupinder Saini-yes

Open Session recessed at 11:02 a.m.

RECONVENE TO OPEN SESSION

MOTION: Ian Munro moved, seconded by Jack Lockhart, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 1:50 p.m.

**DELIBERATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

PORFIRIO ORTA-ROSARIO, MD

MOTION: Gene Musser moved, seconded by Virginia Heinemann, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Porfirio Orta-Rosario, MD. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS
RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

PRAKASH D. SHAH, MD

MOTION: Sujatha Kailas moved, seconded by Gene Musser, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Prakash D. Shah, MD. Motion carried unanimously.

PERRY G. COALMON, MD

MOTION: Sujatha Kailas moved, seconded by Sandra Osborn, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Perry G. Coalmon, MD. Motion carried unanimously.

ROSEMARY F. RODGERS, MD

MOTION: Gene Musser moved, seconded by Lief Erickson, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Rosemary F. Rodgers, MD. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS
FOR REMEDIAL EDUCATION RECEIVED
IN THE BUREAU AFTER MAILING OF AGENDA**

RICHARD H. GUBITZ, DO

MOTION: Daniel Miota moved, seconded by Ian Munro, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order for remedial education in the matter of Richard H. Gubitzi, DO. Motion carried unanimously.

**DELIBERATION OF MEMORANDUM OF DECISION ON MOTION FOR
PARTIAL SUMMARY JUDGMENT/PROPOSED ORDER TO DISMISS IN THE
MATTER OF JEFFREY F. MENN, MD**

MOTION: Sujatha Kailes moved, seconded by Gene Musser, to approve the order regarding motion for partial summary judgment/order to dismiss for Jeffrey F. Menn, MD. Motion carried unanimously. Bhupinder Saini left the room for deliberations and the vote. Jack Lockhart abstained.

RE-CONSIDERATION OF APPLICATION FOR JAMES M. STERN, MD

MOTION: Sujatha Kailas moved, seconded by Sandra Osborn, to grant a license for James M. Stern, MD. Motion carried.

FULL BOARD ORAL EXAMINATIONS

SUSAN J. KIES, MD

Susan J. Kies, MD, appeared before the Board to answer questions.

MOTION: Leif Erickson moved, seconded by Daniel Miota, to grant a license for Susan J. Kies, MD. Motion carried unanimously.

JAMES J. YURCEK, MD

James J. Yurcek, MD, appeared before the Board to answer questions and supply a handout from Dean Health System regarding a pre-employment reference check sent to Van Buren Healthcare Services and an updated verification of his Michigan license.

MOTION: Ian Munro moved, seconded by Sandra Osborn, to defer the application of James J. Yurcek until further information is received from Branson Methodist and Lakeview Community Hospital. Motion carried unanimously.

C. DANAE STEELE, MD

C. Danae Steele, MD, appeared before the Board to answer questions.

MOTION: Ian Munro moved, seconded by Sujatha Kailas, to grant license for C. Danae Steele, MD. Motion carried unanimously.

DOE MONITORING

**ANILKUMAR DONIPARTHI, MD
REQUESTING FULL REINSTATEMENT**

MOTION: Daniel Miota moved, seconded by Ian Munro, to grant full reinstatement for Anilkumar Doniparthi, MD. Motion carried unanimously.

**DANIEL LOPEZ-TAN, MD
REQUESTING FULL REINSTATEMENT**

MOTION: Daniel Miota moved, seconded by Sujatha Kailas, to grant full reinstatement for Daniel Lopez-Tan, MD. Motion carried unanimously.

**MARK JENSON, MD
REQUESTING FULL REINSTATEMENT**

MOTION: Daniel Miota moved, seconded by Suresh Misra, to grant full reinstatement for Mark Jenson, MD. Motion carried unanimously. Ian Munro left the room for deliberations and the vote.

MEDICARE OPT OUT

William Black joined the meeting to provide a status on the petition for declaratory ruling by the Wisconsin Society of anesthesiologists that is currently pending before an Administrative Law Judge.

MOTION: Gene Musser moved, seconded by Lief Erickson, to decline to review the submitted materials. Motion carried unanimously.

DOE CASE CLOSINGS

MOTION: Suresh Misra moved, seconded by Sandra Osborn, to close case 05 MED 146 for no violation. Motion carried unanimously.

MOTION: Sandra Osborn moved, seconded by Virginia Heinemann, to close case 05 MED 467 for Prosecutorial Discretion (P7). Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Leif Erickson, to close case 06 MED 054 for no violation. Motion carried unanimously.

MOTION: Lief Erickson moved, seconded by Sandra Osborn, to close case 05 MED 292 for Marc Smith for no violation, Robin Ferron for lack of jurisdiction, and request an extension of time for Robert Wetzler. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Ian Munro, to close case 05 MED 199 for no violation. Motion carried unanimously.

MOTION: Ian Munro moved, seconded by Daniel Miota, to close case 05 MED 066 for insufficient evidence. Motion carried unanimously.

MOTION: Ian Munro moved, seconded by Virginia Heinemann, to close case 06 MED 052 for Prosecutorial Discretion (P7). Motion carried unanimously.

MOTION: Sujatha Kailas moved, seconded by Ian Munro, to close case 05 MED 273 for no violation. Motion carried unanimously.

MOTION: Sandra Osborn moved, seconded by Virginia Heinemann, to **not** close case 03 MED 498. Motion carried unanimously. Ian Munro abstained.

Sandra Osborn will be the new advisor on case 03 MED 498.

MOTION: Suresh Misra moved, seconded by Ian Munro, to close case 04 MED 371 for no violation. Motion carried unanimously.

MOTION: Jack Lockhart moved, seconded by Lief Erickson, to close case 04 MED 355 for no violation. Motion carried unanimously.

MOTION: Lief Erickson moved, seconded by Sujatha Kailas, to close case 04 MED 053 for prosecutorial discretion (P5). Motion carried unanimously. Ian Munro abstained

MOTION: Sujatha Kailas moved, seconded by Lief Erickson, to close case 05 MED 253 for no violation. Motion carried unanimously. Bhupinder Saini abstained.

MOTION: Ian Munro moved, seconded by Daniel Miota, to close case 03 MED 374 for insufficient evidence. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED
SESSION IF VOTING IS APPROPRIATE**

MOTION: Virginia Heinemann moved, seconded by Gene Musser, to reaffirm all motions made during closed session. Motion carried unanimously.

EXAM SCORES

MOTION: Gene Musser moved, seconded by Sujatha Kailas, to accept the exam scores as of today's date. Motion carried unanimously.

ADJOURNMENT

MOTION: Gene Musser moved, seconded by Sujatha Kailas, to adjourn the meeting at 1:51 p.m. Motion carried unanimously.

Next Meeting: September 20, 2006